

United States Department of Agriculture,

OFFICE OF THE SECRETARY,

BOARD OF FOOD AND DRUG INSPECTION.

NOTICE OF JUDGMENT NOS. 102-110, FOOD AND DRUGS ACT.

- 102. Misbranding of distiller's dried grains. (As to protein and fat content.)
- 103. Adulteration of eggs. (Presence of putrid and decomposed animal matter.)
- 104. Adulteration and misbranding of stock feed. (As to presence of rice hulls.)
- 105. Adulteration and misbranding of a cereal. (As to presence of wheat.)
- 106. Misbranding of a cane sirup. (As to presence of glucose.)
- 107. Misbranding of Vermont or maple sugar. (As to presence of cane sugar.)
- 108. Misbranding of preserves. (Underweight.)
- 109. Adulteration and misbranding of cottonseed meal. (As to presence of cottonseed hulls.)
- 110 Misbranding of sirup. (As to quantity.)

(N. J. 102.)

MISBRANDING OF DISTILLER'S DRIED GRAINS.

(AS TO PROTEIN AND FAT CONTENT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 3d day of December, 1908, in the district court of the United States for the southern district of Ohio, in a prosecution by the United States against the J. W. Biles Company, a corporation of Cincinnati, Ohio, for violation of section 2 of the aforesaid act, in the shipping and delivering for shipment from Ohio to New York, a food product labeled "R. Distiller's Dried Grains. 26 per cent Protein. 10 per cent Fat. The J. W. Biles Co., Cincinnati, Ohio," which was misbranded in this, that it contained only 21.22 per cent of protein and 9.40 per cent of fat, the said J. W. Biles Company having entered a plea of guilty, the court imposed upon it a fine of \$1 and the costs of the prosecution.

The facts in the case were as follows:

On December 16, 1907, an inspector of the Department of Agriculture purchased from Henry & Missert, 92-94 Michigan street, Buffalo, N. Y., a sample of distiller's dried grains labeled "R. Distiller's Dried Grains. 26 per cent Protein. 10 per cent Fat. The J. W. Biles Co., Cincinnati, Ohio," which was a part of a shipment made by the J. W. Biles Company, Cincinnati, Ohio, to Henry & Missert, Buffalo, N. Y. The sample was subjected to analysis in the Bureau of Chemistry of the United States Department of Agriculture and the following results obtained and stated:

Moisture	10.99
Fat	9.40
Protein	21.22

It was apparent, therefore, that the goods were misbranded as they were labeled as containing 26 per cent of protein and 10 per cent of fat, whereas they contained only 21.22 per cent of protein and 9.40 per cent of fat. The Secretary of Agriculture having on July 14, 1908, afforded the manufacturers an opportunity to show any fault or error in the findings of the analyst and they having failed to do so, the facts were duly reported to the attorney-general and the case referred to the United States attorney for the southern district of Ohio, who filed an information against the said J. W. Biles Company, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,
Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 1, 1909.*

(N. J. 103.)

ADULTERATION OF EGGS.

(PRESENCE OF PUTRID AND DECOMPOSED ANIMAL MATTER.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* Twenty-five packages, each containing 30 dozen eggs, a proceeding for libel for seizure and condemnation of said eggs under section 10 of the aforesaid act and in the case of the United States *v.* Samuel Cohen, a prosecution under section 2 of the act, for shipping and delivering said eggs for shipment, lately pending in the district court of the United States for the eastern district of Pennsylvania. The eggs were adulterated within the meaning of section 7 of the act in that they consisted in whole or in part of putrid and decomposed animal matter, rendering them unfit for human food. Seizure of the eggs having been effected under libel filed therefor, and this case coming on for hearing on December 22, 1908, in pursuance of notice to all parties interested, and after full testimony for the United States, no claimant appearing, the court rendered its decree, adjudging the eggs adulterated and ordering their destruction, in form and substance as follows: